

### **REMARKS**

Currently claims 1-33 are pending in the above-identified application. By this Amendment, claims 1, 13 and 20 have been amended. No claims have been cancelled and no new claims have been added. Pursuant to the above amendments and following remarks, Applicant respectfully request the Examiner to reconsider his basis for rejecting the pending claims.

#### **I. Claim Rejections – 35 U.S.C. § 102 and § 103**

The Examiner rejects claims 20 and 31 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,628,595 to Sasa et al. (hereinafter “Sasa”); and rejects claims 1, 11, 13 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Sasa in view U.S. Patent No. 6,418,102 to Suga et al. (hereinafter “Suga”); and rejects claims 2, 10, 14, 21, 28, 32 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Sasa in view of Suga as applied to claim 1 above, and further in view of U.S Patent No. 6,771,579 to Suzuki (hereinafter “Suzuki”); and rejects claims 3-9, 15-19, 22-27 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Sasa and Suga in further view of Suzuki as applied to claim 2 above, and further in view of U.S Patent Publication No. 2003/0151994 to Tasaka (hereinafter “Tasaka”); and rejects claims 12 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Sasa and Suga as applied to claim 1 above, and further in view of U.S Patent No. 7,158,460 to Ogawa (hereinafter “Ogawa”). These rejections are respectfully traversed.

With regards to 20 and 31, which the Examiner has rejected under § 102(b) as being anticipated by Sasa, Applicants respectfully assert that Sasa fails to anticipate each and every element contained within claims 20 and 31, and accordingly, may not be found to anticipate Applicants’ claimed invention for at least that basis.

That is to say that the claimed invention as currently recited in claims 20 and 31, describes a patentably distinct optical recording method and an optical recording device as set forth in claim 20 and 31.

With regards to Sasa, the disclosure relates to a method for determining a optimal recording pulse pattern for different linear velocities, and is characterized by fixing the pulse

width for each of the pulses forming the recording pulse pattern, and varying the write powers in proportion to the linear velocity (Abstract).

It is explained that the reason for fixing a pulse width is to avoid complications, that is the need for adjusting many parameters in relation to each other, which would arise if the pulse width were changed. (Column 2, lines 23-34). Accordingly, Sasa relates to a method for optimizing the recording pulse pattern for different velocities and is different in this respect from the invention which determines the write strategy to be used in recording, based on the characteristic of the optical system.

Moreover, Sasa does not teach determining a write strategy to be used in recording (on a particular optical recording medium by the use of a particular optical recording device), and based on the recommended write strategy recorded in the optical recording medium.

In the Examiner's application of Sasa to claims 20 and 31, the Examiner asserts that Sasa and particularly Fig. 1, column 9, lines 39-46, anticipate the instant claimed invention, as recited by claims 20 and 31.

However, a close review of the cited section of Sasa, fails to anticipate each and every element of the rejected claims.

This is to say that the Examiner alleges that Sasa at the cited section, anticipates "a reading means for reading recommended write strategy parameters including recommended pulse width value from an optical recording medium on which the recommended write strategy parameters have been recorded".

However, a close review of Sasa, for example, Fig. 1 shows chemical composition of the recording material of the optical storage medium, but does not show recording of the recommended write strategy.

Although lines 39-46, at column 9, recite "by using the above-mentioned optical disc 20, a recording pulse pattern (write strategy) optimized to the basic recording speed and a recording pulse pattern (write strategy) optimized to the 2.5-times higher recording speed are determined through the experiments in the optimization of the these recording pulse patterns, a single write power is allocated to the respective pulses of each recording pulse pattern."

Based on the above-cited section, for example, there appears to be no disclosure to support clear anticipation of the recommended write strategy is recorded in the optical recording medium, or the recommended write strategy parameters are read from the optical recording medium.

With the second element of claim 20, for example, the Examiner also states that Sasa discloses “a determining means for determining a write strategy including a pulse width value to be used in recording the recommended pulse width value and characteristic of the optical system of the optical pickup”.

Again, and after close review, Applicants can only find such disclosure to support that an optimized strategy is determined through experimentation. However, there is no disclosure or teaching that a write strategy including a pulse width value may be used in recording and is determined based on the recommended pulse width value and characteristic of the optical system of the optical pickup.

In fact, a further review of column 9, lines 52-58 includes reference to a numerical aperture, and the beam spot diameter of the pickup. However, this only supports the fact that the pickup used for the experimentation had the particular characteristic recited in lines 52-58. It does not mean that the write strategy used for the recording, on the particular recording medium, by the recording device is determined based on the characteristic of the pickup of the recording device.

Accordingly, Applicants respectfully assert that claims 20 and 31 are patentably distinct from Sasa, for at least the reasons recited above. Therefore, Applicants respectfully request the withdrawal of the rejection of claims 20 and 31 under § 102 over Sasa.

With regards to claims 1 and 13, which are rejected under the combination of Sasa in view Suga, under § 103, the Examiner has similarly cited sections from Sasa that he originally applied against claims 20 and 31. Therefore, for at least the same basis with regards to the misapplication of Sasa, under § 102, Applicants similarly assert that Sasa in combination with Suga, and for the same assertion with regards to independent claims 1 and 13, as applied above, Applicants respectfully assert that the application of Sasa under § 103 fails for the same basis as Sasa under § 102.

Accordingly, Applicants respectfully assert that claims 1 and 13 are patentably distinct over the application of Sasa in view of Suga under § 103.

Furthermore, since claim 11 depends from independent claim 1, and claim 29 depends from independent claim 20, these claims are also patentably distinct based upon the above analysis under § 102 or § 103 with regards to Sasa, as well as for the additional recitations contained therein.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1, 11, 13 and 29 over the combination of Sasa and Suga under § 103.

With regards to claims 2, 10, 14, 21, 28, 32 and 33, which depend from independent claims 1, 13, 20 or 31, respectively, dependent claims 2, 10, 14, 21, 28, 32 and 33 are similarly distinguishable at least for the reasons that they depend from the patentably distinct independent claims, as well as for the additional recitations contained therein.

Therefore, for at least the same reasons asserted with regards to the patentability of independent claims 1, 13, 20 and 31, Applicants also respectfully assert that dependent claims 2, 10, 14, 21, 28, 32 and 33 are similarly patentably distinct, and accordingly, respectfully request the withdrawal of the rejection under § 103 over Sasa and Suga, as applied to claim 1 above, and further in view of Suzuki.

With regards to claims 3-9, 15-19, 22-27 and 33, which are dependent claims from the previously asserted patentably distinct independent claims 1, 13, 20 and 31, respectively, Applicants similarly assert that these claims should be found patentably distinct for at least the same reasons recited above. Therefore, for at least the same reasons recited above, Applicants respectfully request the withdrawal of the rejection of claims 3-9, 15-19, 22-27 and 33 under § 103 over the combination of Sasa and Suga, in view of Suzuki, as applied to claim 2 above, and further in view of Tasaka.

With regards to claims 12 and 30, which are dependent claims that depend from independent claims 1 and 20, Applicants respectfully assert that for at least the same reasons asserted above with regards to independent claims 1 and 20, dependent claims 12 and 30 should also be found patentably distinct, for at least the same reasons recited above, as well as for the additional features recited therein.

Therefore, Applicants respectfully request the withdrawal of the rejection of claims 12 and 30 under § 103 in view of Sasa and Suga as applied to claim 1 above, and further in view of Ogawa.

II. Conclusion

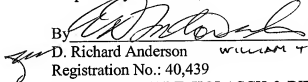
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William D. Titcomb Reg. No. 46,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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